

**REAL ESTATE BOARD  
MINUTES  
AUGUST 20, 2009**

**PRESENT:** Stephen Beers, Peter Sveum, Robert Dueholm, Kenneth Lee, and Lisabeth Weirich

**EXCUSED:** Dennis Pierce and Ryan Schroeder

**STAFF PRESENT:** Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL staff

**GUESTS:** Kevin King and Cori Lamont, Wisconsin Realtors Association (WRA)

**CALL TO ORDER**

Peter Sveum, Chair, called the meeting to order at 10:09 a.m. A quorum of five (5) members was present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- Add item 5 under Practice Issues "Practice Questions"
- Screening Committee: Lisabeth Weirich

**MOTION:** Stephen Beers moved, seconded by Robert Dueholm, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES (June 25, 2009)**

**MOTION:** Lee moved, seconded by Beers, to approve the minutes of June 25, 2009 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT  
YOLANDA MCGOWAN, BUREAU DIRECTOR**

Yolanda McGowan introduced Michelle Solem as the new Bureau Assistant. She also announced that Peggy Wichmann will be retiring in November.

Peggy Wichmann informed the Board of Board projects that she will undertake prior to that date.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES AND PRESS RELEASES**

None.

**PRESENTATION OF PROPOSED STIPULATIONS BY THE  
DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE  
AGENDA**

None.

**ENFORCEMENT**

**Review and Discuss Disciplinary Guidelines for Unlicensed Practice**

Yolanda McGowan reviewed the memo submitted to the Board on the guidelines related to unlicensed practice resulting from a licensee's failure to timely renew credential. . Candace Bloedow of DOE indicated that although created in 2003, the guidelines outlined in the memo still reflect current practice. Ms. Bloedow informed the Board that in most of these cases, the CE requirements have been completed. Lisabeth Weirich suggested that the Board review the guidelines and update them due to changes in technology.

**LEGISLATIVE/ADMINISTRATIVE RULES**

**Update Regarding Ad Hoc Committee on Real Estate Education and Experience Licensure Requirements**

Stephen Beers reported on the compilation, scope and work of this Committee, which was created by Secretary Jackson to provide recommendations on education requirements for new Salesperson licensees, continuing education for all licensees and experience requirements for Brokers.

The consensus of the committee is to recommend a post-exam, pre-license practicum course that would have to be completed within one year of taking the exam and before licensing. The Committee will continue tweaking this and working on the remaining issues at the next Committee meeting. The Board members expressed their pleasure with the Committee's progress.

**Review and Discussion related to proposed changes to Real Estate Form WB-11**

Peggy Wichmann explained that she, Peter Sveum and Kevin King met this morning and made a couple of additional changes to the WB-11 draft that was included in the red folder. The proposed changes include:

- The 8/19/09 draft strikes on lines 33/34 "They are not part of this offer if marked N/A or are left blank." This sentence will remain in the form.
- On line 228, strike the words "financing contingency" and include language "if financing contingency is not checked then lines 270-277 apply.
- The 8/19/09 draft strikes on line 228 - "They are not part of this offer if line xxx is marked N/A or is not marked". This sentence will remain in the form.

- The 8/19/09 draft strikes on line 389 “They are not part of this offer if marked N/A or are left blank.” This sentence will remain in the form.
- The section beginning with line 436 (8/19/09 draft) will revert back to the current language.

The proposed WB-11 adds an e-mail method of delivery that eliminates the need for addendum D, but the electronic consent is still required. The committee is asking the Board to approve the form as to content with the understanding that the Secretary will also need to approve the content. After the content has been approved, the department will work on the format for final approval by the forms committee on September 15. This step must be completed prior to determination of the mandatory use date.

**MOTION:** Lisabeth Weirich moved, seconded by Stephen Beers, to approve Peggy Wichmann’s draft of the WB-11 as of August 19 with the modifications from August 20 as outlined in this Board Meeting. Motion carried unanimously.

#### **Update regarding Revisions to Rule Draft RL 24 Relating to Conduct and Ethical Practices for Real Estate Licensees**

Peggy Wichmann indicated that she will be working on 24.05 and electronic records rules with the goal of completing them before her retirement date in November. Stephen Beers, Kevin King, Peggy Wichmann, Mark Herman and Peter Sveum will meet and try to iron out the details of the revisions to these rules prior to Peggy Wichmann’s retirement. Ms. Wichmann will coordinate scheduling for meetings between the noted parties

#### **EXAMINATION, EDUCATION AND EXPERIENCE ISSUES**

None.

#### **PRACTICE ISSUES**

#### **Discussion Regarding Proof of CE Completion Upon Opening of Investigation**

Yolanda McGowan informed the Board of the Department’s inability to conduct CE audits as a matter of course when new complaints are opened due to limited staffing and resources. The Board agreed that until such a time as the staffing and resources issues change, this item will be removed from the agenda.

#### **Discussion Related to 18.09(1)(b) and (1)(f)**

Peter Sveum shared his belief of inconsistencies in these provisions with the board. It is an issue that can be taken up at a later time given more pressing issues. He requested that it remain a standing agenda item until such time as it has been resolved. In response to discussions during the previous meeting, Ms. Wichmann indicated that this rule does not fall under the emergency rule category. Mr. Sveum requested that this item be among the priorities for completion before Ms. Wichmann retires.

**Discussion Related to RL 16.06(4) and Industry Practice**

The Board Chair would also include this to be on the priority list with the Department, and remain a standing item on the Agenda until further notice.

**Discussion Regarding Electronic Retention of Records**

Peter Sveum indicated that this item merits more discussion. Lisabeth Weirich asks that this item include more descriptive definitions about what records would fall into a given category.

**Practice Questions**

Rebecca Mc Atee explained the intern project related to practice questions. She asked the Board members to submit documentation that would help answer practice questions for inclusion on the web site. This will help to streamline the practice question process.

**MISCELLANEOUS CORRESPONDENCE/INFORMATION**

None.

**PUBLIC COMMENTS**

None.

**CONVENE TO CLOSED SESSION**

**MOTION:** Kenneth Lee moved, seconded by Robert Dueholm, to convene to Closed Session to deliberate on cases following hearings (s. 19.85 (1) (a), Stats.); to consider disciplinary investigation with administrative warning (s. 19.85(1) (b), Stats. And 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Roll Call Vote: Stephen Beers-yes; Peter Sveum-yes; Robert Dueholm-yes; Kenneth Lee-yes; and Lisabeth Weirich-yes. Motion carried unanimously.

Open session recessed at 11:27 p.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Steven Beers moved, seconded by Robert Dueholm, to reconvene into Open Session at 1:03 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MONITORING REPORTS OR ANY RECEIVED AFTER MAILING OF AGENDA**

**CHARLENE NASGOVITZ  
REQUESTING REINSTATEMENT**

**MOTION:** Lisabeth Weirich moved, seconded by Kenneth Lee, to deny Charlene Nasgovitz's request for reinstatement and modify order to remove CE requirement and require completion of pre-license education and passing exam score to be considered for salesperson licensure and all requirements for a broker's license in place at the time the petition is filed. Motion carried unanimously.

**FRANK J. RONDON  
REQUESTING MODIFICATION**

**MOTION:** Lisabeth Weirich moved, seconded by Stephen Beers, to grant Frank J. Rondon's request for modification to extend the deadline for payment of forfeitures provided a down payment of \$500 is received by DRL on or before September 30, 2009, with the balance of \$1500 (including costs and fines) due by December 31, 2009. Failure to pay the \$500 in September or the balance of \$1500 by December 31, 2009, will result in suspension of the license until full payment is received. No further extensions will be considered. Motion carried unanimously.

**CRYSTAL TUESCHER  
BOARD ORDER VIOLATION**

**MOTION:** Kenneth Lee moved, seconded by Robert Dueholm, to revoke the license of Crystal Tuescher due to violations of the underlying order. Crystal Tuescher is eligible to repetition for a license one year from the date today's order is signed. Application for reinstatement must include, but not be limited to, a current drug and alcohol assessment, evidence of any counseling and drug or alcohol testing, treatment records and conviction records for the 5 year period immediately preceding the application for reinstatement. Motion carried unanimously.

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY RECEIVED  
AFTER MAILING OF AGENDA**

**MOTION:** Stephen Beers moved, seconded by Kenneth Lee, to close the following cases as recommended by the Division of Enforcement. Motion carried unanimously.

1. 06 REB 004 Prosecutorial Discretion (P7)
2. 06 REB 130 No Violation

3. 06 REB 133 Insufficient Evidence
4. 07 REB 005 No Violation
5. 07 REB 022 Prosecutorial Discretion (P1)
6. 07 REB 028 Prosecutorial Discretion (P5)
7. 07 REB 035 Prosecutorial Discretion (P2)
8. 07 REB 111 Prosecutorial Discretion (P1)
9. 07 REB 147 Prosecutorial Discretion (P5)
10. 07 REB 230 No Violation
11. 07 REB 289 No Violation
12. 07 REB 291 A.B. Prosecutorial Discretion (P5)
13. 07 REB 291 D.C.H.I. and T.A. No Violation
14. 08 REB 190 Prosecutorial Discretion (P2)

**DELIBERATION ON PROPOSED STIPULATIONS OR ANY RECEIVED  
AFTER MAILING OF AGENDA**

**MOTION:** Robert Dueholm moved, seconded by Stephen Beers, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of William F. Cain (06 REB 004), Pamela J. Holzhaeuser (06 REB004) and James A. Olson (06 REB 055), Jamie J. Pagel (06 REB 119), Karen Rehn (07 REB 116), William A. King Et Al. (08 REB 106) and Barbara Lund (09 REB 027). Motion carried unanimously.

**DELIBERATION ON PROPOSED DECISIONS OR ANY THAT MAY BE RECEIVED  
AFTER MAILING OF AGENDA**

**ANNE M. O'CONNOR  
LS0902182 REB**

**MOTION:** Stephen Beers moved, seconded by Robert Dueholm, to adopt the Proposed Decision in the matter of Anne M. O'Connor. Motion carried unanimously.

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS OR ANY THAT  
MAY BE RECEIVED AFTER MAILING OF AGENDA**

**MOTION:** Stephen Beers moved, seconded by Robert Dueholm, to issue an administrative warning in the cases of L.M.H. (07 REB 012), S.L.P. (07 REB 280), P.M.H. (08 REB 215), J.A.R. (08 REB 215) and R.M.S. (08 REB 215). Motion carried unanimously.

**DELIBERATION ON DISCIPLINARY PROCEEDINGS OR ANY THAT MAY BE  
RECEIVED AFTER MAILING OF AGENDA**

None.

**DELIBERATION ON PETITIONS FOR REHEARING OR ANY THAT MAY BE  
RECEIVED AFTER THE MAILING OF AGENDA**

None.

**REQUESTS FOR REINSTATEMENT OF LICENSES OR ANY THAT MAY BE  
RECEIVED AFTER MAILING OF AGENDA**

None.

**EXAMINATION ISSUES**

None.

**CONSULTING WITH LEGAL COUNSEL**

.The Board consulted with legal counsel throughout the meeting as the need was identified.

**SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

**DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings**

Signatures were collected for all required documents.

**OTHER BOARD BUSINESS**

None.

**ADJOURNMENT**

**MOTION:** Lisabeth Weirich moved, seconded by Kenneth Lee, to adjourn the meeting at 1:16 p.m. Motion carried unanimously.